



Environmental News

FOR RELEASE: TUESDAY, FEBRUARY 27, 2001

SUPREME COURT UPHOLDS EPA POSITION ON SMOG, PARTICULATE RULES

Dave Ryan 202-564-7827

The U.S. Supreme Court today unanimously upheld the constitutionality of the Clean Air Act as EPA had interpreted it in setting the 1997 health-protective ambient air standards for ground-level ozone (smog) and particulates (soot). EPA set these standards to better protect Americans from the wide variety of health problems that air pollution can cause, such as premature death and breathing difficulties.

“The Supreme Court today issued a solid endorsement of EPA’s efforts to protect the health of millions of Americans from the dangers of air pollution, and affirmed our constitutional authority to set these kinds of health protection standards in the future,” said EPA Administrator Christie Whitman. “Congress delegated to EPA the standard-setting function and EPA carried it out appropriately.”

The Court upheld EPA’s long-standing position that the Clean Air Act requires EPA to set these standards based solely on public health considerations without consideration of costs. The Court also acknowledged that it is appropriate for states and EPA to continue to consider costs in implementing the standards. The Court also confirmed that the Clean Air Act does not bar EPA from implementing the ozone standard. EPA will need to determine how to implement the standard consistent with the Court’s opinion.

The Clean Air Act requires that EPA review all its air standards every five years to make sure they reflect the latest and best scientific evidence. In 1997, based on thousands of new health studies, EPA toughened the standards for smog and, for the first time, set a standard for fine particulates equal to or smaller than 2.5 microns in diameter. Fine particulates include airborne soot from sources such as diesel trucks and power plants; smog is caused by emissions from cars, power plants, chemical plants, petroleum refineries and a variety of other sources.

The decision was challenged by the American Trucking Associations, the U.S. Chamber of Commerce and other state and business groups who claimed that EPA misinterpreted the Clean Air Act to give itself unlimited discretion to set air standards.

The cases involved in the Supreme Court decision today are *Whitman v. American Trucking Associations*, 99-1257, and *American Trucking Associations v. Whitman*, 99-1426.